



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**JUNE 2, 2015**

**Work Session Began: 6:30 p.m.**

**Meeting Began: 7:00 p.m.**

**Place: Community Conference Room, Greece Town Hall**

#### **Present**

Albert F. Meilutis, Chairman

Robert J. Bilsky

Thomas Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

#### **Absent**

Andrew P. Forsythe

#### **Additions, Deletions and Continuances to the Agenda**

#### **Announcements**

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**OLD BUSINESS**

None

**NEW BUSINESS:**

1.     Applicant:             Daniel Weaver  
       Location:            69 North Avenue  
       Mon. Co. Tax No.:   058.04-1-4.1  
       Zoning District:     R1-18 (Single-Family Residential)  
       Request:             An area variance for a proposed aboveground pool (18-foot-diameter; round) to be located 7.0 feet from an existing detached garage, instead of the 10.0 feet minimum required.  
                               Sec. 114.12.1 B (2)

**Mr. Shea offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 69 North Avenue, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (10) & (12).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Bilsky and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Shea then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Daniel Weaver, 69 North Avenue, Mr. Weaver appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed aboveground pool (18-foot-diameter; round) to be located 7.0 feet from an existing detached garage, instead of the 10.0 feet minimum required.

WHEREAS, the findings of fact are as follows. Mr. Weaver, who has resided at this address for 13 years, came before the Board seeking an area variance for an 18-foot round pool to be located 7.0 feet rather than 10.0 feet from a detached garage. The back yard is surrounded by a four-foot-high fence. The pool cannot be located anywhere else without encroaching on either another variance or the septic system, in particular. The applicant testified that the roof to the garage is inaccessible and that people cannot get on top of the roof and jump into the pool.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicants comply with all Town regulations regarding the pool installation.
2. That the applicants follow the recommendations by the Health Department regarding the pool installation near the septic system.
3. That the applicants sign a Hold Harmless agreement with the Town regarding the installation of the pool near the septic system.

**Seconded by Mr. Bilsky and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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2.     Applicant:               Joseph Capria  
       Location:             217 Willnick Circle  
       Mon. Co. Tax No.:    044.03-2-59  
       Zoning District:     R1-44 (Single-Family Residential)  
       Request:             An area variance for a proposed in-ground pool (18 feet x 36 feet; 648 square feet) to be located in a front yard, where accessory structures, such as pools, are permitted rear yards only. Sec. 211-11 E (3)

**Mr. Meilutis offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 217 Willnick Circle, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (10).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Meilutis then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Joseph Capria, 217 Willnick Circle, Mr. Capria appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed in-ground pool (18 feet x 36 feet; 648 square feet) to be located in a front yard, where accessory structures, such as pools, are permitted rear yards only.

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WHEREAS, the findings of fact are as follows. The applicant has presented a map that shows that he is on the bend on Willnick, which is almost the equivalent of a corner lot on the same street, based on the way the layout is. Prior to getting a permit issued by the Town, he signed a Hold Harmless so that in the event that this Board was not in favor of it, there would be no recourse to the Town for a change that would have to be made with this. The applicant did prepare a compelling argument that, by placing the pool here, he eliminated the need to cut down many more trees. This parcel is located at, of course, 217 Willnick Circle, is located in an R1-44 Single-Family Residential neighborhood. The applicant, Joseph Capria, appeared before the Board this evening and stated that he has lived at the residence for approximately two years. The Caprias proposed that the pool would be located in the front yard because of the location of the trees within the property and trying to preserve as much of the trees as possible. The pool at 217 Willnick has already been installed due to the scheduling issues with the applicant's contractor and has been approved by the Building Department, still requiring approval by this Board. Also, a pre-excavation inspection was performed by our Building Department and looking at the location of the pool there is a portion of the yard that is approximately 100-plus feet from the front property line; additionally, a large portion of the property is wooded. The applicants have reviewed the swimming pool law of the Town of Greece.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, in fact one of the neighbors spoke very much in favor, the neighbor directly across the street spoke in favor of the pool and where it is laid out and she commended the applicant for preserving the trees and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I am going to move that we approve the application, with the following conditions:

1. That the applicant obtains all necessary permits.
2. That the applicant adheres to the building codes.
3. And that this permit is approved for the life of the pool (a Hold Harmless agreement has already been signed with the Town of Greece, so it will not be required).

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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3.     Applicant:             Katherine Rice  
       Location:            448 Harvest Drive  
       Mon. Co. Tax No.:   074.10-1-5  
       Zoning District:    R1-E (Single-Family Residential)  
       Request:            a) An area variance for an existing pool deck (9.0 feet x 11.2 feet; 101 square feet) to be located in a front yard, and to have a (east) side setback of 4 feet, instead of the 10 feet minimum required. Sec. 211-11 E (1), Sec. 211-11 E (3), Figure 3, Table I  
                              b) An area variance for an existing 6.0-foot-high, closed construction fence (approximately 113 linear feet) to be located in a front yard and within the clear visibility portion of a front a yard, where fences in a front yard shall not exceed 4.0 feet (front yard) and 3.0 feet (clear visibility portion) in height and shall be of open construction. Sec. 211-46 D, Sec. 211-46L  
                              c) An area variance for an existing shed (10.09 feet x 10.13 feet; 102 square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in rear yards only. Sec. 211-11 E (3)  
                              d) An area variance for an existing shed (5.5 feet x 9 feet; 50 square feet) to be located 8.5 feet from a pool, instead of the 10 feet minimum required. Sec.114-12.1 B (2)

**Mr. Hartwig offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 448 Harvest Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (10) & (12).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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**Seconded by Mr. Shea and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Hartwig then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Katherine Rice, 448 Harvest Drive, a lot that encompasses approximately 10,700 square feet in an R1-E Single-Family Residential zone, Ms. Rice appeared before the Board of Zoning Appeals this evening, requesting an area variance for an existing pool deck (9.0 feet x 11.2 feet; 101 square feet) to be located in a front yard, and to have a (east) side setback of 4 feet, instead of the 10 feet minimum required; an area variance for an existing 6.0-foot-high, closed construction fence (approximately 113 linear feet) to be located in a front yard and within the clear visibility portion of a front a yard, where fences in a front yard shall not exceed 4.0 feet (front yard) and 3.0 feet (clear visibility portion) in height and shall be of open construction; an area variance for an existing shed (10.09 feet x 10.13 feet; 102 square feet) to be located in a side yard, where accessory structures, such as sheds, are permitted in rear yards only; and an area variance for an existing shed (5.5 feet x 9 feet; 50 square feet) to be located 8.5 feet from a pool, instead of the 10 feet minimum required.

WHEREAS, the findings of fact are as follows. This evening, Katherine Rice mentioned that she has lived at this property for three years and when she purchased the property, the pool and the existing deck were already in place. She mentioned that the deck cannot really be removed; if it is, it would have to be torn down and reconfigured, and that would be a financial hardship for her. Item "B," as far as the visibility triangle or the visibility portion of the front yard fence is concerned, she mentioned that the fence could be realigned to accommodate that concern. The existing shed that is 10 feet x 10 feet that is located in a side yard is currently storing lawn equipment and tools, but really there is no other place on the property for that type of storage and if it were to be relocated, most likely it would be damaged in the move. As far as the smaller shed, the 5.5 feet x 9 feet shed, that currently stores pool equipment to be utilized in that area and if it were to be moved, even though it is portable, it would encumber other variances. So, that being said, that pool is in the best location that it could be at this present time.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the approvals are for the life of the existing sheds, fence and deck only.
2. That the visibility triangle be installed to the satisfaction of the staff.

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**Seconded by Mr. Shea and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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4.     Applicant:                 Susan Cleere  
       Location:                1942 Edgemere Drive  
       Mon. Co. Tax No.:       034.08-1-3  
       Zoning District:        R1-E (Single-Family Residential)  
       Request:                 a) An area variance for a proposed second-story deck (10 feet  
                                     x 24 feet; 240 square feet) to be located in a waterfront yard,  
                                     where accessory structures, such as decks, are permitted rear  
                                     yards only.   Sec. 211-11 E (3)  
                                     b) An area variance for proposed lot coverage of 34%, instead  
                                     of the 25% maximum permitted.   Sec. 211-11D (2), Table 1

**On a motion by Mr. Meilutis and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of June 16, 2015 in order to give the Town's staff time to receive and review County comments.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of June 16, 2015**

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5.     Applicant:                 Joseph Coon  
       Location:                103 Snowy Owl Ridge  
       Mon. Co. Tax No.:       044.04-8-9  
       Zoning District:        R1-E (Single-Family Residential)  
       Request:                 An area variance for a proposed detached garage (12 feet x 20 feet; 240 square feet) as a principal structure on a vacant lot. Sec. 211-5 (Structure, Accessory)

**Mr. Jensen offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 103 Snowy Owl Ridge, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (10).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Jensen then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Joseph Coon, 103 Snowy Owl Ridge, Joseph and Mary Coon, residing at 119 Snowy Owl Ridge, appeared before the Board of Zoning Appeals this evening about the property they own next door, 103 Snowy Owl Ridge, and are requesting an area variance for a proposed detached garage (12 feet x 20 feet; 240 square feet) as a principal structure on a vacant lot.

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WHEREAS, the findings of fact are as follows. The applicants have agreed to drop the size of the shed from 12 feet x 20 feet, to 12 feet x 16 feet. The applicant has lived at 119 Snowy Owl Ridge since April of 1995 and has also owned the property at 103 Snowy Owl Ridge since November of 2006. The reason for the shed is to maintain lawn and garden equipment and other outdoor equipment in the shed. The applicant was asked why he could not put this shed on their property and the applicant said that there is no space on the property at 119 Snowy Owl Ridge due to the numerous trees in their back yards. The lot at #103 Snowy Owl Ridge is heavily treed. All the trees there in the lot now will remain, and the shed is going to be approximately 90 feet from the curb or from the street and will be in an existing bare spot. The applicant provided pictures, and it looked as though the shed will not be visible from the road in the spring and summer, but there may be some visibility in the wintertime. The applicant also testified that the shed will be painted and will match the current residence at #119. The base of the shed will be on rocks and also the shed will be made of wood and will have a wood base. The applicant also agreed that there will be no utilities of any sort and the applicant also stated that there will be no future development on the parcel. The applicant also agreed and he will also have a memorandum with the County that, if either of the parcels at #103 or #119 is sold, they will remove the shed prior to the sale of the property. The applicant also stated that there will be no access from Snowy Owl Ridge through the parcel at number #103 Snowy Owl Ridge, there will be no curb cut, and the only access to the shed will be from #119 Snowy Owl Ridge.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant will obtain all necessary permits.
2. That the approval is for the life of the shed.
3. The applicant will sign a memorandum to be filed in the Monroe County Clerk's Office (future buyer's notice) that states that if either #103 or #119 Snowy Owl Ridge are sold that the shed will be removed by the owner, as agreed to by the applicant; this memorandum is subject to our Attorney's approval.
4. The only access to this shed will be from property #119 Snowy Owl Ridge. No access will come from a curb cut or from the street, from #103 Snowy Owl Ridge; the only access will be from the parcel of #119.

**Seconded by Mr.Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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6.     Applicant:             Amie Eckert  
       Location:            80 Braddock Road  
       Mon. Co. Tax No.:   026.30-2-6  
       Zoning District:    R1-E (Single-Family Residential)  
       Request:            a) An area variance for a proposed second-story deck (5 feet x 12 feet; 60 square feet) to be located in a front yard, where accessory structures, such as decks, are permitted in the rear yard only. Sec. 211-11 E (3)  
                              b) An area variance for a proposed two-story detached garage (20 feet x 30 feet; 960 total square feet) resulting in a total gross floor area of 1050 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots under 16,000 square feet in area. Sec. 211-11 E (1), Table I  
                              c) An area variance for proposed lot coverage of 26%, instead of the 25% maximum permitted. Sec. 211-11D (2), Table I

**Mr. Bilsky offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 80 Braddock Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (10).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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**Seconded by Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Bilsky then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Amie Eckert, 80 Braddock Road, Ms. Eckert appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed second-story deck (5 feet x 12 feet; 60 square feet) to be located in a front yard, where accessory structures, such as decks, are permitted in the rear yard only; an area variance for a proposed two-story detached garage (20 feet x 30 feet; 960 total square feet) resulting in a total gross floor area of 1050 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots under 16,000 square feet in area; and an area variance for proposed lot coverage of 26%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. Ms. Amie Eckert came before the Board this evening. She is the owner of this home and has owned the home since March of 2015. She indicates that, as an owner, she is interested in constructing a second-story deck on what is known as a front yard, but decks are typically constructed in the front yard of waterfront properties, which this is. The primary reason for this deck is for her to enjoy a view of the waterfront, which her property borders. The applicant indicated that there will be no external stair access to this deck, there will be no additional external lighting, there will be no items such as hot tubs or saunas or what-have-you built in addition to this deck. The applicant also indicated an interest in constructing a two-story detached garage. The initial application was for a 20 feet x 30 feet garage. The applicant has since reduced that to a 16 feet x 24 feet garage and has indicated that they will not exceed the 17 feet height requirement under Town code. So, because of the reduction in size of the initial detached garage, the variance item "B" is not needed and is withdrawn. Also, as a result of the applicant coming forward with a reduced garage size, item "C," the area variance for proposed lot coverage of 26%, has been eliminated. Staff also informs the Board that the applicant has removed an existing shed on this property.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant adheres to all building codes.
2. And that items "B" and "C" have been withdrawn because the applicant has met the requirements of the Town Code.

BOARD OF ZONING APPEALS MINUTES  
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**Seconded by Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved**  
**With Conditions**

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June 2, 2015

7.     Applicant:                 LakeytaLynn Wilson  
       Location:                2844-2858 Dewey Avenue  
       Mon. Co. Tax No.:       075.25-4-17, 075.25-4-18, 075.25-4-1, & 075.25-4-2  
       Zoning District:         DMU (Dewey Avenue Mixed Use)  
       Request:                 An area variance for a business center with an estimated 31  
                                     parking spaces, instead of the 48 parking spaces required.  
                                     Sec. 211-17.1 G (4) (a), Sec. 211-17.1 G (4) (b), Sec. 211-45  
                                     Z

**On a motion by Ms. Nigro and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of June 16, 2015 in order to give the Town's staff time to receive and review County comments.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued Until**  
**Meeting of June 16, 2015**

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BOARD OF ZONING APPEALS MINUTES  
June 2, 2015

8.     Applicant:             Wilmorite, Inc.  
       Location:            800 Greece Ridge Center Drive  
       Mon. Co. Tax No.:   074.19-1-3 & 074.18-4-7.113  
       Zoning District:    BR (Restricted Business) & BG (General Business)  
       Request:            a) An area variance for a proposed (north side) building-mounted sign (7.5 feet x 8.2 feet; 61.5 square feet), instead of the 50 square feet maximum permitted. Sec. 211-52 B (2) (a), Table VII  
                              b) An area variance for a proposed second (south side) building-mounted sign (7.5 feet x 8.2 feet; 61.5 square feet), instead of one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
                              c) An area variance for a proposed third (west side) building-mounted sign (7.5 feet x 8.2 feet; 61.5 square feet), instead of one (1) 50-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII  
                              d) An area variance for a proposed menu board with a sign area of 43.7 square feet (5.9 feet x 7.4 feet), instead of the 20 square feet maximum permitted. Sec. 211-52 B (1) (a) [4]  
                              e) An area variance for a proposed second menu board (4.7 feet x 5.7 feet; 26.8 square feet), instead of the one (1) 20-square-foot menu board permitted. Sec. 211-52 B (1) (a) [4]  
                              f) An area variance for three (3) proposed freestanding signs (parking signs for "Rapid Pick-Up, 5 Minute Parking," with a logo) each 1.5 square feet in area (total of 4.5 square feet), in addition to the four (4) freestanding signs granted by the Board of Zoning Appeals on May 21, 2013 and November 12, 2013. Sec. 211-52 B (1) (a), Table VI  
                              g) An area variance for a fourth freestanding canopy sign (1.6 feet x 2.7 feet; 4.3 square feet), in addition to the four (4) freestanding signs granted by the Board of Zoning Appeals on May 21, 2013 and November 12, 2013. Sec. 211-52 B (1) (a), Table VI

**On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of June 16, 2015 in order to give the Town's staff time to receive and review County comments.**



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<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued Until**  
**Meeting of June 16, 2015**

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BOARD OF ZONING APPEALS MINUTES  
June 2, 2015

9.     Applicant:                 Ralph Honda Automotive, Inc.  
       Location:                3939 West Ridge Road  
       Mon. Co. Tax No.:       073.01-3-47, 073.1-3-49, 073.01-3-50, 073.1-3-51, & 073.04-1-3  
       Zoning District:        BG (General Business)  
       Request:                 a) A special use permit to expand an existing business for the sale or lease of new and used cars and trucks, including related repair or service facilities; and a special use permit to expand an existing outdoor storage or display area for sale or lease of such motor vehicles. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]  
                                      b) An area variance for a proposed front setback of 65.0 feet, instead of the 100.0 feet minimum required. Sec. 211-17 C (4), Table III  
                                      c) An area variance for portions of an existing and proposed parking area (approximately 623 linear feet) to be located a distance of 7.0 feet to 19.9 feet from the right-of-way of West Ridge Road, instead of the 20.0 feet minimum required. Sec. 211-17 C (4), Table III

**On a motion by Mr. Bilsky and seconded by Mr. Jensen, it was resolved to continue the public hearing on this application until the meeting of June 16, 2015 in order to give the Town's staff time to receive and review County comments.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Absent</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of June 16, 2015**

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BOARD OF ZONING APPEALS MINUTES  
June 2, 2015

**ADJOURNMENT: 8:50**

**APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES**

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Signed:** \_\_\_\_\_

Albert F. Meilutis, Chairman

**Date:** \_\_\_\_\_

**NEXT MEETING: Tuesday, June 16, 2015**